



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	October 14-130V
Case Type	Vacation – Part of Alleyway
Project Name	Vacation, part of an alleyway between Lot 4 and Lot 7, Block One in the Town of Gosneyville
Applicants/Owners	Charles K. and Jody L. Light 14414 NE 137 th Street Kearney, MO 64060
Request	Vacate part of an alleyway between Lot 4 and Lot 7, Block One in the Town of Gosneyville
Application Submittal	2014-08-24
Public Notice Published	2014-09-18
Utility Letters Sent	2014-09-08
Report Date	2014-10-01
Public Hearing Opened	2014-10-07
REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
Recommendation	APPROVE with condition



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General Information

Site Location: Alleyway between Lt. 4 & Lt. 7, Block One in the Town of Gosneyville

Approximately 18422 Collins Road

Section 13 | Township 52 | Range 32

Site Size: See below legal description and attached Final Plat

Existing Landuse & Zoning: Neighborhood Commercial (C-1) and Residential Rural District (R-1)

Zoning/Platting History: Town of Gosneyville, recorded January 17, 1948; Res. # 2006-213, 06/26/2006, RZ – from R-1 to C-1 zoning.

Surrounding Landuse & Zoning:

North - Agricultural (AG) and Residential Rural District (R-1) zoned land, Majestic View (R-1A), Smithville Lake Reservoir

East - Holdsworth Commercial Addition (C-2), W Hwy, Agricultural (AG) zoned land

South - Residential Rural District (R-1) zoned land, Paradise South (C-3), Smithville Lake Reservoir, Holdsworth Commercial Addition (C-2)

West - Rural District (R-1) Zoned Land, Smithville Lake Reservoir, City of Smithville (~ 2 miles)

Current Conditions:

Subject Property Lines = **BLUE**



Clay County Assessor GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Charles and Jody Light are seeking to vacate a part of the un-used alley on their property described as follows:

All that part of the alleyway between Lot 4 and Lot 7, Block One, in the TOWN OF GOSNEYVILLE, Clay County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said Lot 4; thence South 00°24'55" West, 60.00 feet to the Southwest corner of said Lot 4; thence North 89°35'05" West 16.00 feet to the Southeast corner of said Lot 7; thence North 00°24'55" East, 60.00 feet to the Northeast corner of said Lot 7; thence South 89°35'05" East, 16.00 feet to the point of beginning.

This request is in conjunction with the rezoning and platting request for Red Brick Trio Addition (Case Number October 14-129RZ/F).

Character of the General Neighborhood

Agriculturally (AG) zoned property is to the north and east. C-2 zoned land is to the south and east, and C-3 zoned land is to the south. R-1 zoned land is to the north, south and west of the property. The City of Smithville is approximately 2 miles to the west. The Smithville Lake Reservoir is to the north, south and west [See Attachment B].

LDC Considerations

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.

The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria has been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on September 18, 2014, and the utility providers were notified by a letter dated September 8, 2014.

Outside Agency Review

The vacation request was mailed to the utility providers and other agencies for their comments and possible objections to the vacation. Replies with no objection to the request have been received from water (PWSD#4), Mid-America Pipeline has no objection. Telephone (AT&T), electrical (P.C.E.C., KCP&L) and gas service (MGE) also have no objections. Clay County Highway Department has replied with no objection.

Findings

No opposition has been received as of this writing.



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Recommendations

Staff recommends **approval** of this vacation request based upon no stated objection by any utility company, the associated replat (*Case No: October 14-129RZ/F*), along with general compliance to the LDC, with the following condition as shown on Exhibit A:

Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with the Red Brick Trio Addition (*Case No: October 14-129RZ/F*) with the above described Alleyway shown as vacated on the Final Plat.



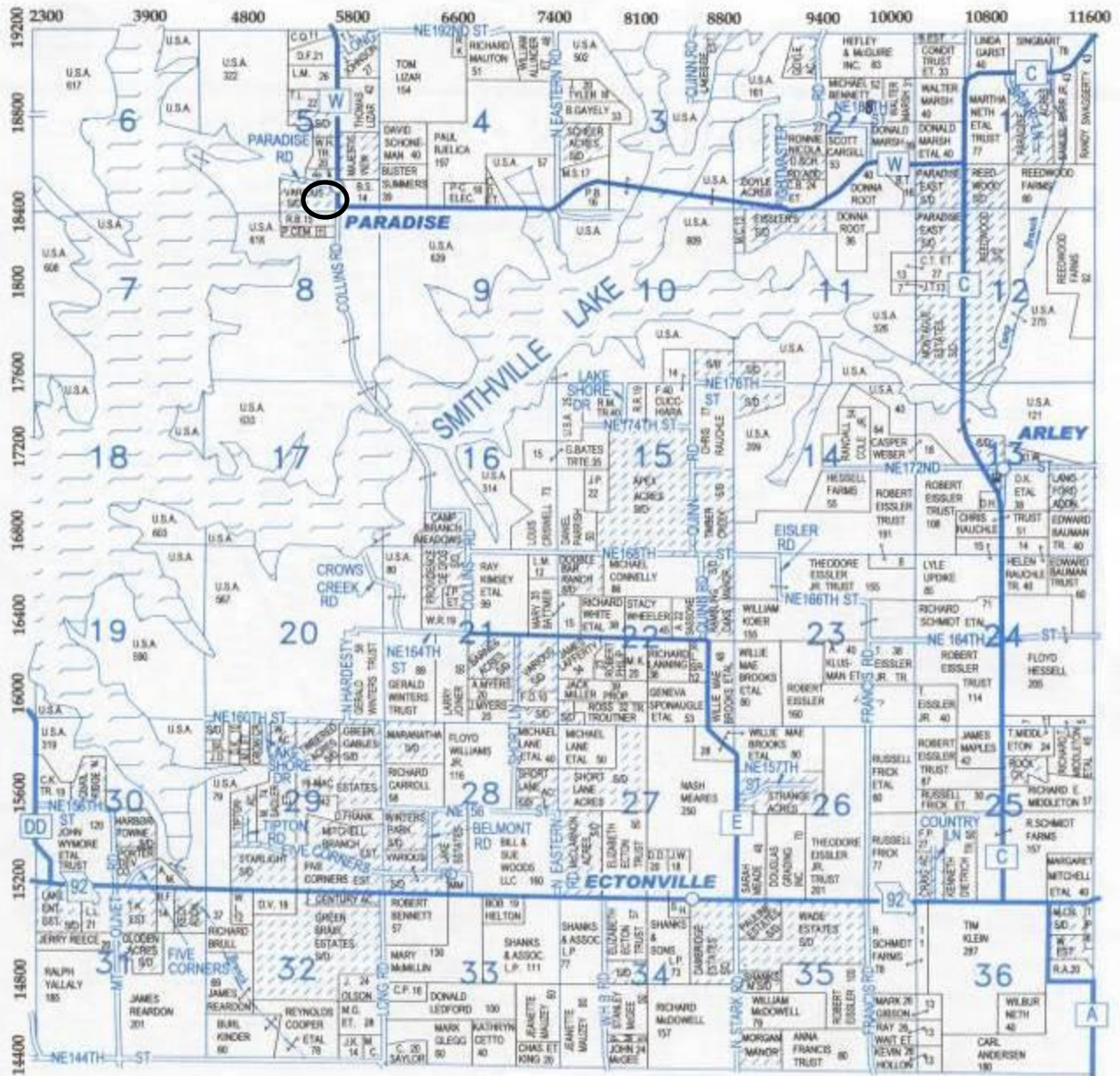
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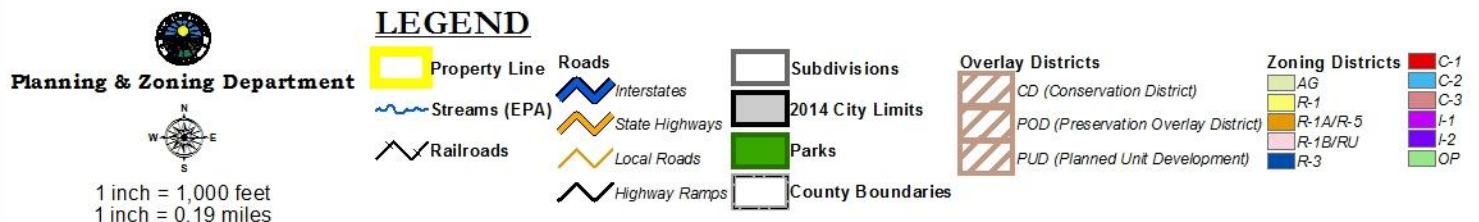
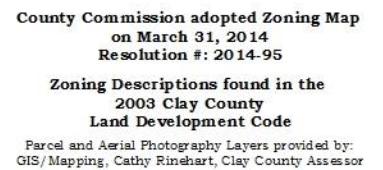
Attachments

October 14-130V – Vacation – Part of alleyway – Town of Gosneyville Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W

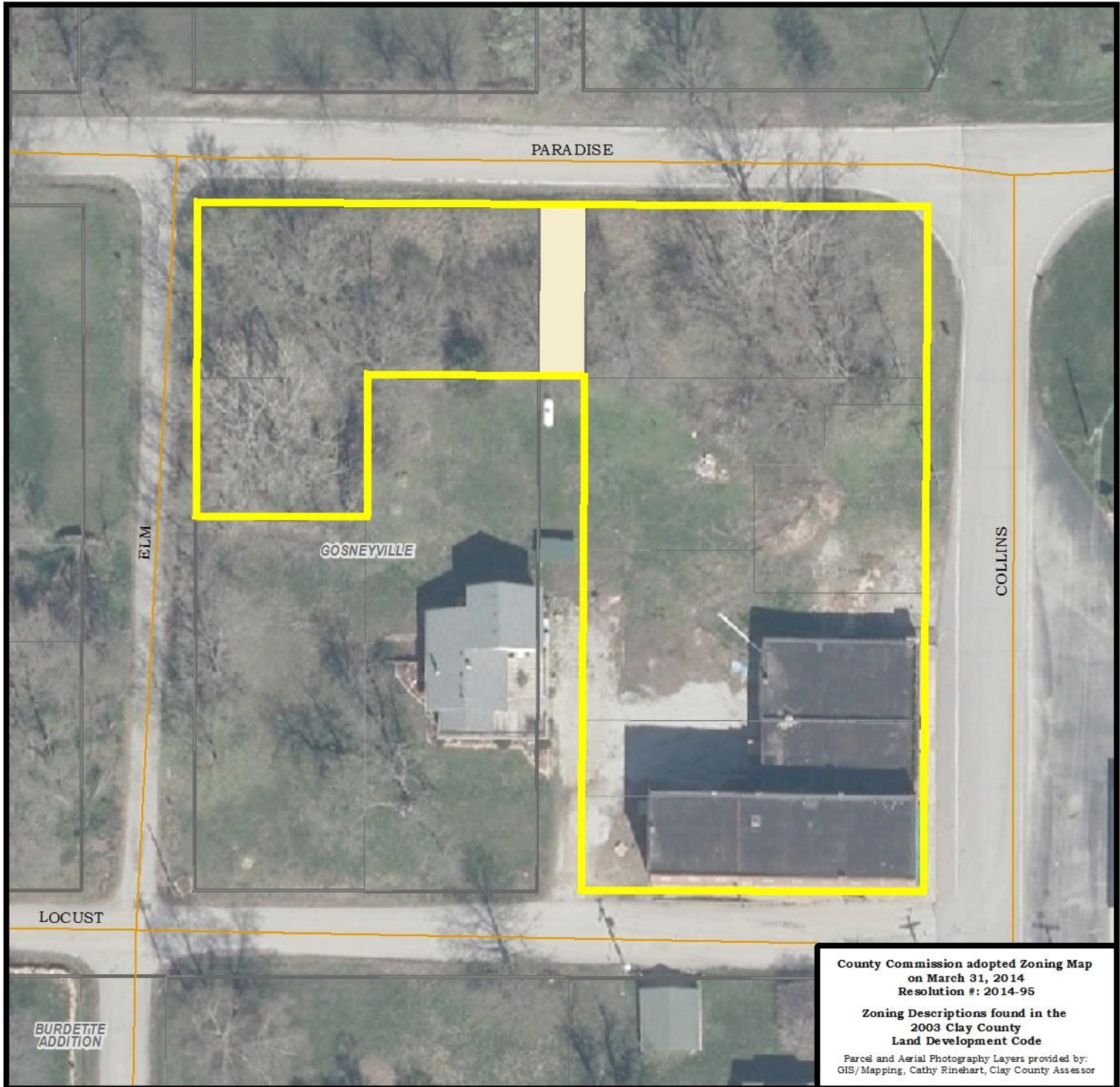


Attachment B - Existing Conditions Map



Oct 14-130V – Red Brick Trio Vacation

Attachment C - Site Plan Map



Planning & Zoning Department



1 inch = 50 feet
1 inch = 0.01 miles

LEGEND

- | | | |
|---------------|----------------|-------------------|
| Property Line | Roads | Subdivisions |
| To Be Vacated | Interstates | 2014 City Limits |
| Streams (EPA) | State Highways | Parks |
| Railroads | Local Roads | County Boundaries |
| | Highway Ramps | |

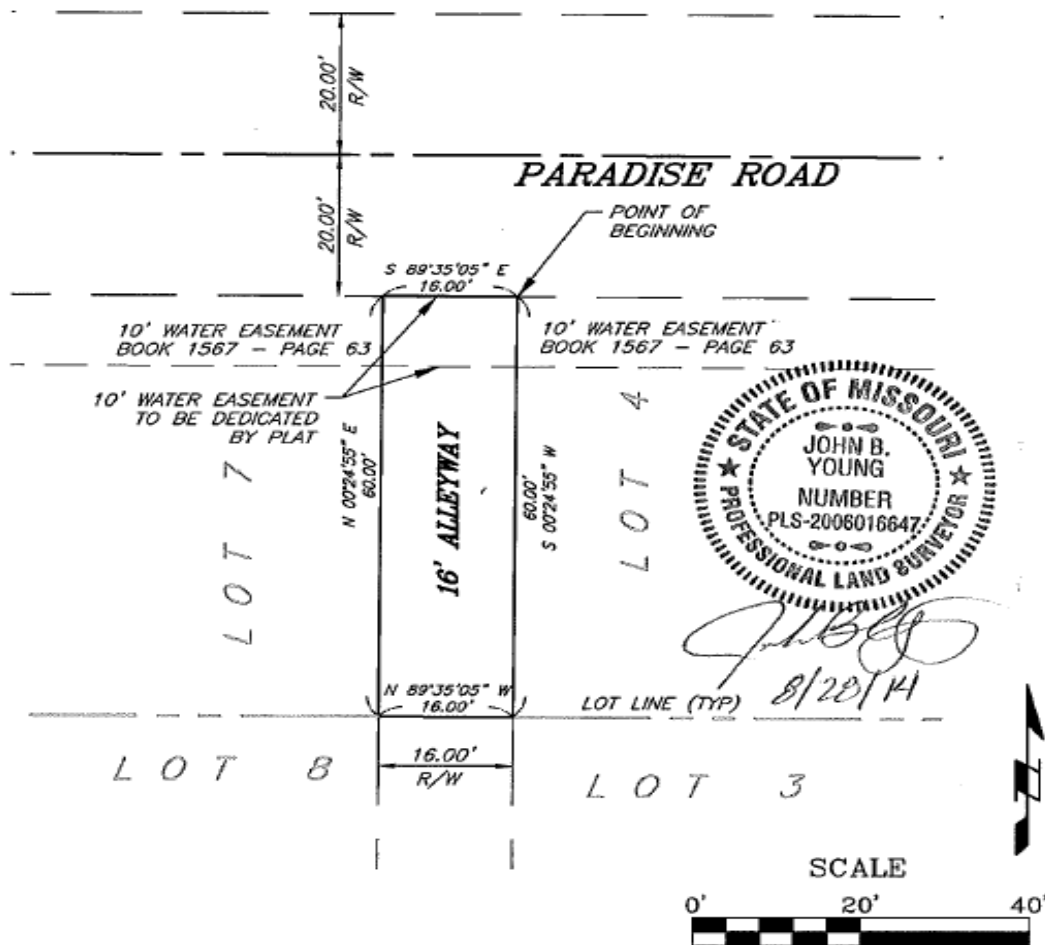


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**October 14-130V – Vacation – Part of alleyway,
between Lot 4 and Lot 7, Block One in the Town of Gosneyville**
Attachment D – Site Plan

VACATION EXHIBIT



Location: S:\14.069 – Red Brick Trio\DRAWINGS\Red Brick Trio Alley.dwg



J & J
SURVEY
LLC

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ALLEYWAY VACATION

BLOCK ONE, TOWN OF
GOSNEYVILLE SUBDIVISION,
CLAY COUNTY, MISSOURI